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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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65913	7550	08/20/2008		
NXP, B.V. NXP INTELLECTUAL PROPERTY DEPARTMENT M/S41-SJ 1109 MCKAY DRIVE SAN JOSE, CA 95131				
EXAMINER				
LINDSEY, MATTHEW S				
ART UNIT		PAPER NUMBER		
2151				
NOTIFICATION DATE		DELIVERY MODE		
08/20/2008		ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

ip.department.us@nxp.com

**ATTACHMENT TO ADVISORY ACTION**

1. Claims 1-21 have been finally rejected, for the reasons stated below, the rejection is maintained.

***Response to Arguments***

2. Applicant's arguments filed 29 July 2008 have been fully considered but they are not persuasive. Applicant argues: "Benveniste at paragraph 0007:5-9, does not make any mention of unscheduled requests for service" (pg 6, lines 19-22). Examiner respectfully disagrees, Benveniste at [0007] disclosed devices that transmit and receive signals from other devices in a network via an access point. Benveniste goes on to disclose methods for transmitting and receiving signals with power saving devices, one method Benveniste disclosed: "One strategy, which is used in the IEEE 802.11-1999 standard, is for the access point 101 to include periodically in the beacon a Traffic Indication Map (TIM) that identifies which stations in power-save mode have downlink frames waiting for them in access point 101's buffer. When a station wakes up and the TIM indicates that there are frames buffered at access point 101 for the station, the station sends a a Power Save (PS) poll frame to access point 101 to request delivery of a buffered frame, and, after receiving and acknowledging the downlink frame, goes back to the doze state" ([0015], lines 1-11). The station does not wake up to make a scheduled request, when the station wakes up and there is an indication of pending

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downlink data the station makes a request. This strategy does not include a scheduled service request, and thus is an unscheduled service request.

Applicant further argues: "Benveniste identifies the system discussed in paragraph 0007 as prior art. Thus the Examiner's reliance on paragraph 0007 (i.e., teachings of another reference) as the basis for a 102 rejection is improper" (pg 6, lines 23-26). Examiner respectfully disagrees. Whether or not the system discussed in [0007] is prior art has no bearing since it is discussed in Benveniste, and furthermore examples of such a system are explained in later paragraphs, for example see [0015].

Applicant also argues: "Applicant respectfully traverses the 103(a) rejection of claims 2, 9 and 21 because the cited portions of the Benveniste reference do not correspond to the claimed invention as discussed above in relation to the 102(e) rejection of claims 1, 8 and 18" (pg 7, lines 11-13). Examiner respectfully disagrees, see arguments above.

All arguments have been addressed; therefore all rejections are hereby maintained.

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MATTHEW S. LINDSEY whose telephone number is (571)270-3811. The examiner can normally be reached on Mon-Thurs 7-5, Fridays 7-12.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.